



UNITED STATES PATENT AND TRADEMARK OFFICE



COMMISSIONER FOR PATENTS
UNITED STATES PATENT AND TRADEMARK OFFICE
P.O. BOX 1450
ALEXANDRIA, VA 22313-1450
www.uspto.gov

20 DEC 2006

Sean M. McGinn
McGinn Intellectual Property Law Group, PLLC
8321 Old Courthouse Road
Suite 200
Vienna, VA 22182-3817

RECEIVED
Fujit. 081
DEC 21 2006 SMM

McGINN IP LAW, PLLC

In re Application of HIRAMATSU et al
U.S. Application No.: 10/569,838
PCT Application No.: PCT/JP2004/012406
Int. Filing Date: 27 August 2004
Priority Date Claimed: 27 August 2003
Attorney Docket No.: F06-436-US
For: METHOD FOR PRODUCING CARBON
NANOWALLS, CARBON NANOWALL,
AND APPARATUS FOR PRODUCING
CARBON NANOWALLS

COMMUNICATION

This is in response to applicant's correspondence filed 01 December 2006.

BACKGROUND

On 27 August 2004, applicant filed international application PCT/JP2004/012406, which claimed priority of an earlier Japan application filed 27 August 2003. A copy of the international application was communicated to the USPTO from the International Bureau on 10 March 2005. The thirty-month period for paying the basic national fee in the United States expired on 27 February 2006.

On 24 February 2006, applicant filed national stage papers in the United States Designated/Elected Office (DO/EO/US). The submission was accompanied by, *inter alia*, the basic national fee required by 35 U.S.C. 371(c)(1).

On 05 May 2006, applicant filed an executed declaration.

On 19 October 2006, the DO/EO/US mailed a Notification of Missing Requirements Under 35 U.S.C. 371 (Form PCT/DO/EO/905), which indicated a discrepancy between the inventive entity shown in the 05 May 2006 declaration and that listed in the published international application.

On 01 December 2006, applicant filed a copy of the declaration filed 05 May 2006.

DISCUSSION

The 01 December 2006 submission is nonresponsive to the Notification of Missing Requirements. The first inventor shown in the declaration is not listed in the published international application. The DO/EO/US has not received a Notification of the Recording of a Change (Form PCT/IB/306), which indicates that Hiroyuki Kano has been added as an inventor.

CONCLUSION

This application is being forwarded to the United States Designated/Elected Office (DO/EO/US) for further processing in accordance with this decision, including preparation and mailing of a Notification of Defective Response (Form PCT/DO/EO/916) indicating that the declaration filed 01 December 2006 is improper. A proper response to the Notification of Missing Requirements would include: (1) a copy of a Notification of the Recording of a Change (Form PCT/IB/306) which indicates that Hiroyuki Kano has been added as an inventor; (2) a proper petition under 37 CFR 1.497(d); or (3) a declaration executed by the inventive entity shown in the published international application along with an explanation as to why Hiroyuki Kano was listed as an inventor on the declarations filed 05 May 2006 and 01 December 2006.

Bryan Lin

Bryan Lin
PCT Legal Examiner
PCT Legal Office

Telephone: 571-272-3303
Facsimile: 571-273-0459